

REMARKS

Claims 1-50 are pending in this application. Withdrawal of the rejections and allowance of the claims is respectfully requested.

Allowable Subject Matter

Applicants appreciate the Examiner's acknowledgement that claims 2-4, 7-11, 13-15, 17, 19-23, 37, 38, 40 and 50 are allowable.

Applicants also appreciate that claims 6 and 18 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. However, Applicants submit that claims 1, 5, 12, 16, 17, 24-26 and 39-48 are also allowable in view of the following remarks.

Claim Rejections – 35 U.S.C. §102

Claims 1, 12-26, 27-30, 36 and 39-48 were rejected under 35 U.S.C. §102(e) as being anticipated by Anvekar et al. ("Anvekar"), U.S. Patent Publication No. 2002-0068610. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes, among other things, the selection of one of a plurality of input audio signals, where the selection is preformed according to at least one stored selection instruction which specifies a designated triggering event for triggering the selection.

In contrast, Anvekar does not disclose the selection of one of a plurality input audio signals according to a stored selection instruction which specifies a designated triggering event, as in the claims of the present invention. Instead, Anvekar appears to disclose that when an

incoming cell phone call, for example, is received by a user, a headset 400 is instructed to switch over to the cell phone by either pressing a key or uttering an instruction into a microphone 230 (paragraph [0019]). In other words, Anvekar appears to disclose that the selection of the input audio signal is performed by either pressing a key or uttering an instruction, rather than being performed according to least one stored selection instruction which specifies a designated triggering event for triggering the selection.

As such, Anvekar does not disclose each and every element of the claimed invention, and therefore cannot anticipate the subject matter of claims 1, 12, 24-26, 27-30, 36 and 39-48. Withdrawal of the rejections.

Claim Rejections – 35 U.S.C. §103

Claims 5, 16, 31 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anvekar. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants submit that there is no suggestion in Anvekar that its audio source devices can be used to select one of a plurality of input audio signals using a designated triggering event that includes: (a) a particular date and time (claim 5); (b) a chronological event (claims 16 and 32); or (c) a receipt of a message via an electronic messaging service (claim 31).

Accordingly, Applicants submit that the subject matter of claims 5, 16, 31 and 32 would not have been obvious to one of ordinary skill in the art upon reading the disclosure in Anvekar as suggested by the Examiner. Applicants respectfully request withdrawal of the rejections and allowance of claims 5, 16, 31 and 32 is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

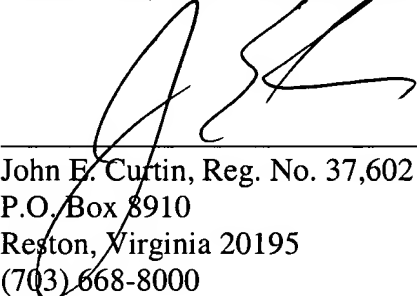
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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